REMARKS

Claim Rejections

Claims 9-39 are rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Claims 1-17, 19-21 and 40-41 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,249,800 (Hilgendorf et al.) in view of U.S. Patent No. 6,892,938 (Solomon) and U.S. Patent No. 6,712,695 (Mothwurf et al.).

Claims 22-23 and 25-39 are rejected under 35 U.S.C. 103(a) as unpatentable over Solomon in view of Mothwurf et al.

Claim Amendments

Independent claims 9 and 22 are amended to eliminate the non-statutory subject matter rejection. The claims are also amended to further patentability distinguish over the cited references.

The Cited References

Hilgendorf et al. is directed to a communication unit 26 for a progressive game control and communication system including a plurality of gaming machines 10. (Col. 2, lines 18-24). The system also includes a progressive controller 30 and a progressive display 36 for the play of a progressive game and the display of a progressive jackpot value. (Col. 2, lines 25-31).

Solomon is directed to a gaming system 10 which uses sensed biometric characteristics of employees to complete a transaction or a payout, for example, jackpots, cancelled credits, hopper fills, etc. associated with a gaming machine 12. (Col. 3, lines 1-7). A computer 38 is adapted to compare the sensed biometric characteristic with a stored characteristic of an employee and to confirm that the sensed biometric characteristic matches the stored characteristic. In the example of a jackpot, payment is then authorized if a match is confirmed. (Col. 5, lines 1-6).

In another example, a jackpot ticket is printed. An employee takes the ticket to a cashier station 22 for payment. If the amount of the payment is over a predetermined value, then the payment may require additional authorization by another employee, for example, a cashier. (Col. 6, lines 33-38).

Mothwurf et al. is directed to a jackpot system for allocating the wins from at least one jackpot to players playing at different gaming positions. A selection is compared to a paytable, and if the

selection corresponds to a winning entry of the paytable, an award is made to at least one player. (Abstract).

Applicant's Claimed Invention Would Not Have Been Obvious

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., "[t]o reject a claim . . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. §2143A.

Moreover, "[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art." Id. Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

The cited combination of references neither disclose nor suggest a method for electronically witnessing a jackpot payment by a casino employee or attendant without a human corroborating witness. Thus, a *prima facie* case of obviousness has not been made out.

Claim 1, for instance, calls for a method for authorizing a manual payment of a gaming jackpot. The method includes receiving a jackpot winning signal from a gaming machine at a jackpot server. The jackpot winning signal includes an amount of a jackpot value of a jackpot won by a player. The method further includes receiving a payment user transaction signal at the jackpot server. The transaction signal includes a payment user identifier and a jackpot transaction value inputted by a payment attendant. The payment user identifier identifies the payment attendant. The jackpot transaction value indicates an amount of a jackpot won by the player. A comparison is made at the jackpot server between the amount of the jackpot value of the jackpot signal and the amount of the jackpot transaction value of the transaction signal. A confirmed jackpot value is generated if the

amount of the jackpot value of the jackpot signal is equal to the amount of the jackpot transaction value of the transaction signal. A transfer of the confirmed jackpot value to a player is then authorized without a requirement for a human corroborating payment witnessing user. A record of the authorized transfer is also created.

Hilgendorf et al. was said to disclose "receiving a jackpot winning signal from a gaming machine, said jackpot signal including a jackpot value of a jackpot won by a player". (Office Action, ¶5). Hilgendorf et al., however, does not disclose sending a jackpot winning signal including an amount of a jackpot value of a jackpot won by a player from a gaming machine to a jackpot server.

Rather, in Hilgendorf et al., a gaming machine 10 sends a signal to the communication unit 26 "that a specific jackpot has been hit, e.g., a royal flush". (Col. 3, lines 3-4). In response, to receiving such a signal, the communication unit 26 sends a signal to the gaming machine advising the gaming machine of "the value of one of the progressive jackpots." (Col. 2, line 68 to Col. 3, line 2).

Thus, the amount of the jackpot value, that is the progressive jackpot value, is provided to a gaming machine 10 by the communication unit 26. The amount of the progressive jackpot is not sent to the communication unit 26 by a gaming machine. This, of course, is the only way such a progressive jackpot system can work.

Hilgendorf et al. was also said to disclose "generating a confirmed jackpot value if the jackpot value of the jackpot winning signal is equal to the jackpot transaction value . . . column 2, line 68 to column 3, lines 1-8 . . . [and] comparing the jackpot value of the jackpot winning signal to the jackpot transaction value of the payment user transaction signal and generating a confirmed jackpot value . . . (see column 3, lines 1-11)." (Office Action, ¶5).

However, this disclosure of Hilgendorf et al. has nothing to do with comparing an amount of a jackpot value of a jackpot winning signal to a jackpot transaction value of a payment user signal at a jackpot server. Instead, in Hilgendorf et al., a gaming machine 10, as discussed, notifies the communication unit 26 "that a specific jackpot has been it." (Col 3, lines 3-4; see also, Col 3, lines 33-37). The communication unit 26 in response transmits the current value of the progressive jackpot to the gaming machine. (Col 2, line 69 to Col 3, line 4).

There is no comparison made in Hilgendorf et al. between a jackpot won at a gaming machine and a jackpot transaction value inputted by a payment attendant. Rather, in Hilgendorf et al., after being notified that a jackpot has been hit, the communication unit 26 simply transmits the amount of the progressive jackpot to the gaming machine.

Moreover, it is acknowledged that Hilgendorf et al does "not teach receiving a payment user transaction signal, said transaction signal including a payment user identifier and a jackpot transaction value inputted by a payment attendant, the payment user identifier identifying the payment attendant and creating a record of the authorized transfer." (Office Action, ¶5). As such, Solomon is relied upon as disclosing the features lacking in Hilgendorf et al. related to the payment user transaction signal and the payment attendant. (Id.)

Solomon discloses the use of bitometrics in which an employee 26 takes ownership of a transaction, for example, paying a jackpot to a player. (Col 4, lines 11-17). The biometrics are used to confirm the identity of the employee, for instance, at a jackpot fill station 18 (Col 4, lines 36-49).

Solomon, however, does not disclose receiving a payment user transaction signal including a jackpot transaction value at a jackpot server for comparison to an amount of a jackpot value of a jackpot winning signal. Rather, in Solomon, an employee's sensed biometric characteristics are compared in determining whether to authorize the employee to make a jackpot payment. (Col 5, lines 1-6).

Specifically, if the employee 26 is identified as the person responsible for making the jackpot payment, the employee is provided with an authorization ticket which he or she takes to a cashier station 22. A cashier 28 at the cashier station provides the funds for the jackpot payment to the employee. The employee 26 along with a second employee 28 who acts as a witness returns to the gaming machine to pay the player. (Col.3, lines 60-63; Col. 5, lines 23-26). For large jackpots, a third employee 49 may be required to approve payment of a hand pay. (Col. 3, line 64 to Col. 5, line 3)

Thus, unlike Applicant's claimed invention, Solomon requires a corroborating witness for a jackpot payout. As such, Solomon teaches away from Applicant's claimed invention. Moreover, in Solomon, a payment attendant does not input an amount of a jackpot transaction value of jackpot transaction signal which is to be compared to an amount of the jackpot value of a jackpot winning signal. Instead, the first employee 26 simply presents himself or herself for identification at the fill station where a computer 38 provides a list of all available transactions, for example, jackpots. (Col. 4, lines 36-49).

It is also acknowledged that Hilgendorf et al. does "not teach receiving winning signal from gaming machine and payment user transaction signal at a jackpot server." (Office Action, ¶5). As such, Mothwurf et al. is relied upon as disclosing the features lacking in Hilgendorf et al. related to receiving a jackpot winning signal and a payment user transaction signal at a jackpot server.

Mothwurf et al., however, has nothing to do with determining whether a jackpot payment may be made to a player by a payment attendant without a corroborating payment witness. Rather, Mothwurf et al. is directed to a jackpot system for allocating wins from a jackpot to players playing at different gaming positions. A selection is compared to a paytable. If the selection corresponds to a winning entry of the paytable, an award is made to at least one player associated with a gaming position which triggered the selection. (Abstract). Mothwurf et al. is not concerned with determining whether a jackpot should be paid to a player by a payment attendant without the need for a corroborating witness.

Further, regarding amended claim 22, Solomon does not disclose generating a jackpot payment transaction request by a jackpot user including a jackpot payment user identifier and a jackpot payout request value wherein the jackpot payment user identifier identifies the jackpot payment user or attendant and the jackpot payout request value indicates an amount of a jackpot won at a gaming machine. Indeed, the cited portion of Solomon in the Office Action (Col. 2, lines 53-67), simply relates to a description of Figures 3-5.

Additionally, Solomon does not disclose, contrary to what was said in the Office Action, "authorizing at the jackpot server a transfer without a human jackpot payment corroborating witness of a verified jackpot value to a player . . . at a cash dispensing peripheral without corroborating witness." (Office Action, ¶21). The cited portions of Solomon in support of this statement relate to payment of a jackpot by a gaming machine without the intervention of a casino employee (Col. 1, lines 16-24) or the additional authorization that is required at a cashier station 22 before a jackpot amount is provided to a casino employee 26.

Thus, there is no disclosure or suggestion in Solomon of authorizing at a jackpot server the transfer of a verified jackpot value to a player. Rather, the gaming machine in Solomon either pays the jackpot amount without any intervention by a jackpot server or a jackpot amount is provided to a casino employee, not a player, at a cashier station without any additional authorization.

Also, it was conceded that Solomon does not disclose verifying at a jackpot server a jackpot payment request value with a jackpot signal value transmitted from a gaming machine. (Office Action, ¶21). As such, Mothwurf et al. was relied upon as disclosing this feature.

However, Mothwurf et al., as discussed, does not disclose a method for electronically witnessing a jackpot payment by a casino employee or attendant without a human corroborating witness. Rather, Mothwurf et al. discloses a jackpot system in which a determination is made as to

whether a selection corresponds to a winning entry of a paytable. This has nothing to do with verifying at a jackpot server that the jackpot payout request value generated by a payment user or attendant is equal to a jackpot signal value, thereby permitting payment of the jackpot signal value to a winning player without a human jackpot payment corroborating witness.

Additionally, Solomon does not disclose printing a receipt including indicia that a human jackpot payment corroborating witness was not required for the transfer of a verified jackpot value. Instead, Solomon discloses that additional authorization may be required at the cashier station 22 if the jackpot amount is greater than a predetermined value. (Col. 6, lines 28-38). However, a corroborating witness is still required before the jackpot amount is paid to the winning player. (Col. 5, lines 23-26). As such, in Solomon, no receipt is generated including indicia that indicates that a jackpot payment was made without a corroborating witness.

Thus, the cited references, considered alone or in combination, fail to disclose or suggest several features recited in the independent claims. Therefore, the independent claims would not have been obvious in view of the cited references. The dependent claims include all of the features recited in the independent claims on which they are based and thus would not have been obvious for at least the same reasons as their respective independent claims.

Therefore, it is respectfully requested that the rejection of the claims under 35 U.S.C. 103 be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P317).

Dated: October 30, 2009

Respectfully submitted,

Weaver Austin Villeneuve & Sampson LLP

/William J. Egan, III/
William J. Egan, III
Reg. No. 28,411

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100